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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

TONY ALAN PAUL,

Defendant and Appellant.

A144913

(Mendocino County
Super. Ct. No. SC-UK-CR-CR-13-
0072567-002)

After a third amended petition was filed alleging violation of mandatory supervision, defendant admitted the violations and was sentenced to one year in the county jail. We affirm the judgment.

FACTS AND PROCEDURE

We begin by summarizing the factual and procedural history leading up to the filing of the third amended petition.

On June 3, 2013, the People filed a complaint alleging felony vandalism (Pen. Code,¹ § 594, subd. (b)(1); count one), misdemeanor domestic violence (§ 243, subd. (e)(1); count two), and injuring wireless communication device (§ 591.5; count three). The complaint further alleged four section 667.5, subdivision (b) enhancements.

Over a month later, defendant pled guilty to all three counts and admitted the enhancements. The court subsequently sentenced defendant to the middle term of two

¹ All statutory references are to the Penal Code unless otherwise indicated.

years on count one, plus three consecutive one-year terms for the three enhancements, and 120 days concurrent each on counts two and three. Defendant received 102 days of credit for time served. The court ordered defendant to serve the first 120 days in county jail and the last four years eight months on mandatory supervision.

During 2013, first, second, and third amended petitions, alleging violations of mandatory supervision, were filed against defendant. In September 2013, defendant admitted the alleged violation in the first petition, and the court revoked and reinstated mandatory supervision on the condition defendant serve a 120-day sentence.

After later denying the allegations in the second petition, a second amended petition was filed on December 10, 2013. Defendant admitted violating the terms of his mandatory supervision on January 8, 2014, and also admitted violating the terms of “community supervision release” in another case. The court imposed 180-day sentences on each case to run consecutively and reinstated supervision.

On January 12, 2015, an third amended petition alleging a violation of mandatory supervision was filed. The third amended petition, the subject of this appeal, alleged documents mailed to defendant were returned, he no longer resided at his address, and he had failed to contact or report to probation. It was further alleged defendant had not shown proof he had signed up for and successfully completed his anger management program, he failed to appear at his scheduled court date, and he committed a violation of Health and Safety Code former section 11364.1, subdivision (a), being in possession of paraphernalia.

Thereafter on February 3, 2015, defendant admitted he failed to keep probation advised of his residence and also failed to sign up for and complete the anger management program. On March 6, 2015, the court revoked and reinstated defendant on mandatory supervision. The court also imposed a one-year sentence “with the understanding if he violates it again[,] he’ll do the remainder of whatever time is left in jail.”

Defendant, in pro. per., filed two timely notices of appeal based on matters occurring after the plea. His grounds for appeal—ineffective assistance of counsel,

judicial error, and “unconstitutionally imposing terms and condition [*sic*] unrelated to the offenses for which judgment was made”—are included in both of defendant’s requests for certificate of probable cause. Each was denied.

DISCUSSION

After defendant appealed, counsel was appointed to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436, setting forth a statement of the case and a summary of the facts, and requesting this court conduct an independent review of the record. Counsel has notified defendant he can file a supplemental brief with the court. No supplemental brief has been received from defendant.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable error that would result in a disposition favorable to defendant.

Defendant was ably represented by counsel throughout the proceedings. We find no indication in the record counsel provided ineffective assistance of counsel. Even though multiple petitions to revoke defendant’s mandatory supervision were filed against him between 2013 and early 2015, on each occasion counsel succeeded in having defendant’s mandatory supervision reinstated. We also find the court committed no sentencing error.

DISPOSITION

The judgment is affirmed.

Margulies, J.

We concur:

Humes, P.J.

Banke, J.